IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

ARVIN WALKER	§	
v.	§	CIVIL ACTION NO. 5:09ev136
D.A.'S OFFICE	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Arvin Walker, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is the District Attorney's office in "McLenne, Texas."

Walker was ordered to file an amended complaint, but failed to do so. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed for failure to prosecute and as frivolous, in that Walker alleged no facts to overcome the immunity from damages liability enjoyed by prosecutors. Walker received a copy of the Report but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. <u>Douglass v.</u> United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 4) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous and for failure to comply with an order of the Court. Finally, it is

ORDERED that any and all other motions which may be pending in this civil action are hereby DENIED.

SIGNED this 6th day of July, 2010.

DAVID FOLSOM

UNITED STATES DISTRICT JUDGE